

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SECOND DAY — MONDAY, MAY 5, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 479).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Merritt; Nixon; Oliveira; Ritter.

The invocation was offered by Representative Dutton.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Merritt on motion of Goolsby.

The following member was granted leave of absence for today because of family business:

Nixon on motion of Thompson.

The following member was granted leave of absence for today and tomorrow to attend a funeral:

Oliveira on motion of Gallego.

The following member was granted leave of absence for today because of illness:

Ritter on motion of Ellis.

CAPITOL PHYSICIAN

The speaker recognized Representative Gallego who presented Dr. Ramon A. Garcia of Del Rio as the "Doctor for the Day."

The house welcomed Dr. Garcia and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of illness:

Villarreal on motion of Naishtat.

HR 1011 - ADOPTED

(by E. Jones)

Representative E. Jones moved to suspend all necessary rules to take up and consider at this time **HR 1011**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1011, Recognizing the 100th anniversary of the San Antonio Public Library.

HR 1011 was adopted without objection.

On motion of Representative Mercer, the names of all the members of the house were added to **HR 1011** as signers thereof.

HR 1013 - ADOPTED

(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1013**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1013, Commending the Latinos Unidos Club of Bishop Dunne High School in Dallas for its 2003 Cinco de Mayo observance.

HR 1013 was adopted without objection.

HR 1014 - ADOPTED

(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1014**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1014, Commemorating the observance of Cinco de Mayo.

HR 1014 was adopted without objection.

**HB 1065 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative R. Cook called up with senate amendments for consideration at this time,

HB 1065, A bill to be entitled An Act relating to the eligibility requirements to serve as a director of a groundwater conservation district.

On motion of Representative R. Cook, the house concurred in the senate amendments to **HB 1065** by (Record 480): 134 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crowover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Mowery; Naishtat; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Deshotel.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Dunnam; Goodman; Isett; Laney; Morrison; Noriega; Smithee; Wise.

STATEMENT OF VOTE

I was shown voting no on Record No. 480. I intended to vote yes.

Deshotel

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1065** as follows:

(1) In SECTION 1 of the bill, proposed Section 36.051(d)(1), Water Code (senate committee printing, page 1, line 15), strike "an officer or employee of a political subdivision" and substitute "a member of the governing body or officer of another political subdivision other than a municipality or county".

(2) In SECTION 1 of the bill, proposed Section 36.051(d)(2), Water Code (senate committee printing, page 1, line 18), strike "director, officer, or employee of a political subdivision" and substitute "member of the governing body or officer of another political subdivision other than a municipality or county".

REGULAR ORDER OF BUSINESS SUSPENDED

Representative Woolley moved to suspend all necessary rules to allow the house to consider all house and senate bills on third reading that appear on the General State Calendar before the bills that appear as postponed business on today's Supplemental House Calendar.

The motion prevailed without objection.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 2759 ON THIRD READING
(by Wong, et al.)**

HB 2759, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for The University of Texas M.D. Anderson Cancer Center for biotechnology research and development facilities.

A record vote was requested.

HB 2759 was passed by (Record 481): 137 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.;

Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley.

Nays — Mercer; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Burnam; Kolkhorst; Menendez; Moreno, P.

STATEMENTS OF VOTE

I was shown voting no on Record No. 481. I intended to vote yes.

Mercer

I was shown voting no on Record No. 481. I intended to vote yes.

Zedler

HB 3350 ON THIRD READING (by J. Davis, Coleman, and Wong)

HB 3350, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for the University of Houston System.

A record vote was requested.

HB 3350 was passed by (Record 482): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crossover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Driver; Krusee; Menendez; Smithee; Talton; Woolley.

HB 1912 ON THIRD READING**(by Wolens, Branch, Marchant, Giddings, and Hill)**

HB 1912, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for The University of Texas Southwestern Medical Center at Dallas to finance biomedical research facilities and exempting the facilities financed by the bonds from prior approval by the Texas Higher Education Coordinating Board.

A record vote was requested.

HB 1912 was passed by (Record 483): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Burnam; Peña; Smithee; West.

HB 136 ON THIRD READING**(by F. Brown, B. Brown, Gattis, McClendon, Chavez, et al.)**

HB 136, A bill to be entitled An Act relating to limiting the amount of county or municipal ad valorem taxes that may be imposed on the residence homesteads of the elderly and their surviving spouses.

A record vote was requested.

HB 136 was passed by (Record 484): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam;

Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Burnam; Coleman; Rodriguez; Telford; West.

HB 208 ON THIRD READING

(by Puente)

HB 208, A bill to be entitled An Act relating to persons who may obtain a mechanic's lien on real property.

HB 208 was passed.

HB 215 ON THIRD READING

(by Hamric and Crabb)

HB 215, A bill to be entitled An Act relating to the regulation of fireworks by certain counties; providing a criminal penalty.

HB 215 was passed. (Hamilton and Keel recorded voting no)

HB 396 ON THIRD READING

(by Mowery, Woolley, Solomons, Bohac, et al.)

HB 396, A bill to be entitled An Act relating to appeals to small claims courts of certain ad valorem tax determinations.

HB 396 was passed.

HB 425 ON THIRD READING

(by Christian, Miller, Eissler, Bonnen, Ellis, et al.)

HB 425, A bill to be entitled An Act relating to procedures to help ensure that certain state agency actions are consistent with the meaning and intent of applicable legislative enactments.

HB 425 was passed.

HB 644 ON THIRD READING
(by Wohlgemuth)

HB 644, A bill to be entitled An Act relating to the creation of a judicial district composed of Johnson County.

HB 644 was passed.

HB 649 ON THIRD READING
(by J. Keffer and Christian)

HB 649, A bill to be entitled An Act relating to creating an interagency work group on rural issues.

HB 649 was passed.

HB 769 ON THIRD READING
(by Solis, et al.)

HB 769, A bill to be entitled An Act relating to compensatory time off for certain communications service employees of the Department of Public Safety.

HB 769 was passed.

HB 1008 ON THIRD READING
(by Woolley)

HB 1008, A bill to be entitled An Act relating to notice of certain applications for alcoholic beverage permits and licenses.

HB 1008 was passed.

HB 1318 ON THIRD READING
(by Swinford)

HB 1318, A bill to be entitled An Act relating to workforce planning requirements for state agencies and the compensation, accountability, and employment of certain state employees.

HB 1318 was passed.

HB 1692 ON THIRD READING
(by Driver, et al.)

HB 1692, A bill to be entitled An Act relating to the regulation of interior designers; providing penalties.

HB 1692 was passed.

HB 1806 ON THIRD READING
(by Hill)

HB 1806, A bill to be entitled An Act relating to issuance of obligations for certain highway and mobility projects.

A record vote was requested.

HB 1806 was passed by (Record 485): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Davis, Y.; Dukes.

HB 2183 ON THIRD READING
(by Bohac, Woolley, and Crabb)

HB 2183, A bill to be entitled An Act relating to the election date of proposed charter amendments in a home-rule municipality.

HB 2183 was passed.

HB 2301 ON THIRD READING
(by E. Jones)

HB 2301, A bill to be entitled An Act relating to the collection of oil-field cleanup regulatory fees.

HB 2301 was passed.

HB 2341 ON THIRD READING
(by Kolkhorst)

HB 2341, A bill to be entitled An Act relating to the duties of the district attorney in Washington and Burleson counties.

A record vote was requested.

HB 2341 was passed by (Record 486): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver;

Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

HB 2343 ON THIRD READING
(by Kolkhorst)

HB 2343, A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.

HB 2343 was passed.

HB 2006 ON THIRD READING
(by E. Jones and McReynolds)

HB 2006, A bill to be entitled An Act relating to the construction and maintenance of utility, common carrier, and energy transporter facilities along, over, under, or across a railroad right-of-way.

Amendment No. 1

Representative E. Jones offered the following amendment to **HB 2006**:

Amend **HB 2006** on third reading by striking Section 186.051(2), Utilities Code, as added by SECTION 2 of the bill, and substituting:

(2) "Energy transporter" means a person who gathers or transports oil, gas, or oil and gas products by pipeline.

Amendment No. 1 was adopted without objection.

HB 2006, as amended, was passed.

HB 2561 ON THIRD READING
(by Rose and Quintanilla)

HB 2561, A bill to be entitled An Act relating to the application of changes in benefits received by members and retirees of retirement systems for paid, partly paid, and volunteer fire fighters and their beneficiaries.

A record vote was requested.

HB 2561 was passed by (Record 487): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Haggerty; McReynolds.

HB 3021 ON THIRD READING **(by Woolley)**

HB 3021, A bill to be entitled An Act relating to the disclosure of business or financial relationships by certain governmental officers associated with sports authorities; imposing a criminal penalty.

HB 3021 was passed.

HB 3075 ON THIRD READING **(by West)**

HB 3075, A bill to be entitled An Act relating to local agreements to allow certain development corporations and taxing units to invest in and receive tax revenues from certain regional economic development projects.

A record vote was requested.

HB 3075 was passed by (Record 488): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby;

Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

HB 3126 ON THIRD READING

(by Truitt, Capelo, McReynolds, Zedler, Christian, et al.)

HB 3126, A bill to be entitled An Act relating to increasing the number of registered nurses and other health care professionals in this state.

A record vote was requested.

HB 3126 was passed by (Record 489): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Eiland; Riddle.

HB 3534 ON THIRD READING**(by Laubenberg, Paxton, Hegar, and Homer)**

HB 3534, A bill to be entitled An Act relating to the place of business of a retailer for purposes of the collection of the municipal sales and use tax.

HB 3534 was passed.

HB 2975 ON THIRD READING**(by Chavez, Castro, and Quintanilla)**

HB 2975, A bill to be entitled An Act relating to the establishment of a pilot program by the Texas Workforce Commission in the Texas-Mexico border region for technology training of certain persons.

A record vote was requested.

HB 2975 was passed by (Record 490): 141 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Swinford.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Wilson.

HB 1487 ON THIRD READING**(by Driver, et al.)**

HB 1487, A bill to be entitled An Act relating to the licensing and regulation of certain electricians; providing penalties.

HB 1487 was passed. (Bohac and Eissler recorded voting no)

HB 2877 ON THIRD READING**(by Bonnen, Homer, Chisum, and Stick)**

HB 2877, A bill to be entitled An Act relating to the permitting procedures of the Texas Commission on Environmental Quality.

HB 2877 was passed.

HB 390 ON THIRD READING**(by Pitts)**

HB 390, A bill to be entitled An Act relating to the effect of tax increment financing by certain taxing units in the calculation of ad valorem tax rates for those taxing units.

HB 390 was passed.

HB 814 ON THIRD READING**(by Gutierrez, J. Davis, Thompson, Taylor, B. Keffer, et al.)**

HB 814, A bill to be entitled An Act relating to motor vehicle financial responsibility; providing penalties.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 814**:

Amend **HB 814** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 601, Transportation Code, is amended by adding Section 601.0521 to read as follows:

Sec. 601.0521. SEASONAL EXCEPTION FOR CERTAIN FARM VEHICLES. (a) In this section, "road tractor," "truck-tractor," "farm tractor," "farm trailer," and "farm semitrailer" have the meanings assigned by Section 502.001.

(b) During a season when the vehicle is not in use, Section 601.051 does not apply to a road tractor, truck-tractor, farm tractor, farm trailer, or farm semitrailer used exclusively to transport seasonally harvested agricultural products or livestock from the place of production to the place of processing, market, or storage.

(c) The designated agent may send a notice under Section 601.444 to the owner of a vehicle to which this section applies only during a season when the vehicle is in use.

(d) The department by rule shall provide a method of determining the season when a vehicle to which this section applies is in use.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Thompson offered the following amendment to **HB 814**:

Amend **HB 814** on third reading in added Subchapter N, Chapter 601, Transportation Code, by inserting new Section 601.452 to read as follows:

Sec. 601.452. PENALTY NOT AUTHORIZED. Notwithstanding any other provision of this subchapter, a civil penalty may not be assessed or collected under this subchapter against any person.

Representative Gutierrez moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Hochberg offered the following amendment to **HB 814**:

Amend **HB 814** on third reading by inserting the following on page 5, between lines 25 and 26:

(e) An insurance company providing information under this section may not use credit scores or credit histories to determine rates or eligibility for motor vehicle insurance.

Amendment No. 3 - Point of Order

Representative Hartnett raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 3 was withdrawn.

A record vote was requested.

HB 814, as amended, failed to pass by (Record 491): 58 Yeas, 76 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **HB 814** was further amended and passed by Record Vote No. 503.)

Yeas — Berman; Branch; Callegari; Capelo; Casteel; Chavez; Chisum; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Eiland; Eissler; Flynn; Goodman; Guillen; Gutierrez; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Keffer, B.; Keffer, J.; King; Krusee; Luna; Madden; Marchant; McReynolds; Miller; Morrison; Mowery; Paxton; Pitts; Quintanilla; Raymond; Riddle; Smith, T.; Smith, W.; Smithee; Swinford; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Allen; Alonzo; Baxter; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Castro; Christian; Coleman; Cook, B.; Corte; Davis, Y.; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Elkins; Farabee; Farrar; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Hamilton; Hilderbran; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Kolkhorst; Kuempel; Laubenberg; Lewis; Mabry; Martinez Fischer; McCall; Menendez; Mercer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Phillips; Pickett; Puente; Reyna; Rodriguez; Rose; Solis; Solomons; Stick; Talton; Telford; Thompson; Turner; Uresti; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Bailey; Dunnam; Ellis; Flores; Grusendorf; Jones, E.; Laney; McClendon; Seaman.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 23).

HR 798 - ADOPTED

(by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 798**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 798, In memory of Detective William James "Bill" Carollo of Eules.

HR 798 was unanimously adopted by a rising vote.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 798** as signers thereof.

HB 830 ON THIRD READING

(by Hughes and Peña)

HB 830, A bill to be entitled An Act relating to the number of jurors required for certain district court criminal trials.

HB 830 was passed.

HB 867 ON THIRD READING

(by J. Jones and Naishtat)

HB 867, A bill to be entitled An Act relating to air conditioning systems in certain facilities.

HB 867 was passed.

HB 1053 ON THIRD READING

(by Rodriguez, Hupp, Miller, and Y. Davis)

HB 1053, A bill to be entitled An Act relating to the confidentiality of social security numbers in certain circumstances.

HB 1053 was passed.

HB 1621 ON THIRD READING

(by Flores)

HB 1621, A bill to be entitled An Act relating to authorizing a public junior college to waive a portion of the tuition and fees for a student enrolled in a course for joint high school-junior college credit.

A record vote was requested.

HB 1621 was passed by (Record 492): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Dawson; Jones, E.; Jones, J.; Madden.

STATEMENT OF VOTE

When Record No. 492 was taken, I was in the house but away from my desk. I would have voted yes.

Dawson

HB 1844 ON THIRD READING

(by Grusendorf, Bohac, Christian, Stick, Madden, et al.)

HB 1844, A bill to be entitled An Act relating to a program under which classroom teachers are reimbursed for personal funds expended on classroom supplies.

A record vote was requested.

HB 1844 was passed by (Record 493): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge;

Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Denny; Elkins; Jones, J.

(The vote was reconsidered later today and **HB 814** was amended and was passed.

HB 2013 ON THIRD READING (by Quintanilla)

HB 2013, A bill to be entitled An Act relating to admission and enrollment of certain children attending public schools.

A record vote was requested.

HB 2013 was passed by (Record 494): 103 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Mabry; Madden; Marchant; McCall; McReynolds; Mercer; Miller; Morrison; Mowery; Paxton; Peña; Phillips; Pitts; Quintanilla; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Van Arsdale; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Lewis; Luna; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Pickett; Puente; Raymond; Rodriguez; Solis; Thompson; Turner; Uresti; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Jones, J.

HB 3397 ON THIRD READING
(by Crabb)

HB 3397, A bill to be entitled An Act relating to disposal of an exhibit in a capital case.

A record vote was requested.

HB 3397 was passed by (Record 495): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Bohac; Moreno, P.; Wong.

STATEMENT OF VOTE

When Record No. 495 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

HB 2058 ON THIRD READING
(by Villarreal)

HB 2058, A bill to be entitled An Act relating to a study regarding goals, outcome standards, and objectives in certain contracts with the Department of Protective and Regulatory Services.

HB 2058 was passed.

HB 2249 ON THIRD READING
(by Howard)

HB 2249, A bill to be entitled An Act relating to sale and lease of public school land.

A record vote was requested.

HB 2249 was passed by (Record 496): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Flores; Moreno, P.; Solis.

HB 2251 ON THIRD READING **(by Flores)**

HB 2251, A bill to be entitled An Act relating to allowing supplemental pay for members of the Texas National Guard who are called to active duty when active duty service imposes an economic hardship.

A record vote was requested.

HB 2251 was passed by (Record 497): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.;

Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Corte; Moreno, P.

HB 2388 ON THIRD READING

(by R. Cook)

HB 2388, A bill to be entitled An Act relating to the late payment of certain submetered or allocated water bills.

HB 2388 was passed.

HB 1050 ON THIRD READING

(by Olivo)

HB 1050, A bill to be entitled An Act relating to school attendance of a child placed in substitute care.

HB 1050 was passed.

HB 2914 ON THIRD READING

(by Baxter, et al.)

HB 2914, A bill to be entitled An Act relating to the time within which ballots for early voting by mail must be mailed to a voter.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 2914**:

Amend **HB 2914** on third reading by adding the following appropriately numbered SECTION and by renumbering the remaining sections of the bill as appropriate:

SECTION _____. Section 84.032, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A request for cancellation in a manner other than authorized by this section, including a request by letter, has no effect.

Amendment No. 1 was adopted without objection.

HB 2914, as amended, was passed.

HB 2159 ON THIRD READING

(by Garza, et al.)

HB 2159, A bill to be entitled An Act relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

A record vote was requested.

HB 2159 was passed by (Record 498): 136 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Miller.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Callegari; Dukes; Eiland; Flores; Moreno, P.; Rodriguez.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 1065 ON THIRD READING
(Hartnett - House Sponsor)**

SB 1065, A bill to be entitled An Act relating to a pilot project to address continuing needs for more child protective services caseworkers in certain regions of this state.

SB 1065 was passed.

**SB 880 ON THIRD READING
(Capelo - House Sponsor)**

SB 880, A bill to be entitled An Act relating to the time allowed for disposition of certain charges regarding a violation of parole or other forms of release from prison.

SB 880 was passed.

SB 409 ON THIRD READING
(Chavez - House Sponsor)

SB 409, A bill to be entitled An Act relating to the membership of the Texas Transportation Commission.

A record vote was requested.

SB 409 failed to pass by (Record 499): 70 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Alonzo; Bailey; Baxter; Branch; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Edwards; Farrar; Flores; Garza; Giddings; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamric; Harper-Brown; Hartnett; Hill; Hochberg; Hodge; Jones, E.; Jones, J.; Keel; Krusee; Laubenberg; Lewis; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Moreno, J.; Mowery; Naishtat; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Solis; Stick; Taylor; Thompson; Turner; Uresti; Wilson; Wohlgenuth; Wolens.

Nays — Allen; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Dawson; Delisi; Denny; Dunnam; Eiland; Eissler; Elkins; Ellis; Farabee; Flynn; Gallego; Gattis; Geren; Goodman; Hamilton; Hardcastle; Heflin; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keffer, B.; Keffer, J.; King; Kuempel; Laney; Luna; Mabry; McReynolds; Miller; Morrison; Noriega; Paxton; Phillips; Pitts; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Telford; Truitt; Van Arsdale; West; Wise; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Kolkhorst; Mercer; Moreno, P.

Representative Chavez moved to reconsider and spread on the journal the vote by which **SB 409** failed to pass.

Representative Telford called from the journal the motion to reconsider the vote by which **SB 409** failed to pass.

A record vote was requested.

The motion to reconsider prevailed by (Record 500): 71 Yeas, 70 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Branch; Burnam; Canales; Capelo; Castro; Chavez; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Eissler; Gallego; Garza; Giddings; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamric; Harper-Brown; Hartnett; Hilderbran; Hill; Hochberg; Hodge; Jones, E.; Jones, J.; Keel; Krusee; Laubenberg; Lewis; Madden; Marchant; Martinez Fischer; McCall; McClendon;

Menendez; Mercer; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Peña; Pickett; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Solis; Stick; Taylor; Thompson; Turner; Uresti; Wilson; Wise; Wohlgemuth.

Nays — Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Coleman; Crabb; Dawson; Delisi; Denny; Driver; Dunnam; Eiland; Elkins; Ellis; Farabee; Farrar; Flynn; Gattis; Geren; Goodman; Hamilton; Hardcastle; Heflin; Hegar; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Luna; Mabry; McReynolds; Miller; Moreno, J.; Paxton; Phillips; Pitts; Puente; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Telford; Truitt; Van Arsdale; West; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Cook, B.

Absent, Excused — Merritt; Nixon; Oliveira; Ritter; Villarreal.

Absent — Flores.

Representative Chavez moved to postpone consideration of **SB 409** until 3 p.m. today.

The motion prevailed without objection.

FIVE DAY POSTING RULE SUSPENDED

Representative Talton moved to suspend the five day posting rule to allow the Committee on Urban Affairs to consider **HB 3629**.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

B. Cook on motion of Griggs.

FIVE DAY POSTING RULE SUSPENDED

Representative Lewis moved to suspend the five day posting rule to allow the Committee on County Affairs to consider **HB 3587** and **SB 420**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Civil Practices, upon lunch recess today, Desk 141, for a formal meeting, to consider pending business.

Defense Affairs and State-Federal Relations, upon lunch recess today, Desk 76, for a formal meeting, to consider pending legislation.

FIVE DAY POSTING RULE SUSPENDED

Representative King moved to suspend the five day posting rule to allow the Committee on Regulated Industries to consider **SB 1261**, **SB 1280**, and all bills posted for the May 6 hearing.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Regulated Industries, upon adjournment today, E2.028, for a public hearing, to consider **SB 1261**, **SB 1280**, and all bills posted for the May 6 hearing.

Natural Resources, upon lunch recess today, Desk 112, for a formal meeting, to consider pending business.

Agriculture and Livestock, upon lunch recess today, Desk 144, for a formal meeting, to consider **SB 644** and **SB 759**.

RECESS

Representative J. Keffer moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:39 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

**GENERAL STATE CALENDAR
(consideration continued)**

(Solomons in the chair)

**SB 1829 ON THIRD READING
(Nixon - House Sponsor)**

SB 1829, A bill to be entitled An Act relating to the designation and obligations of a telecommunications provider of last resort and to the recovery of certain costs incurred in transitioning to a successor utility.

SB 1829 was passed.

**SB 1091 ON THIRD READING
(Taylor - House Sponsor)**

SB 1091, A bill to be entitled An Act relating to the composition of the Recycling Market Development Board and the termination of certain duties of the General Land Office relating to the board and the recycling awareness campaign.

SB 1091 was passed.

**SB 1265 ON THIRD READING
(Capelo - House Sponsor)**

SB 1265, A bill to be entitled An Act relating to prosecution of environmental crimes.

Amendment No. 1

Representative Capelo offered the following amendment to **SB 1265**:

Amend **SB 1265** on third reading in SECTION 2 of the bill, in proposed Section 7.203(a), Water Code (Committee Printing page 1, line 15), between "permit" and the period, by inserting "and that is related to the activity for which the permit was issued".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Deshotel offered the following amendment to **SB 1265**:

Amend **SB 1265** on third reading by amending Amendment No. 6 by Deshotel, adopted on second reading, by striking item #2 of the amendment and substituting:

(2) In added Section 7.203(c), Water Code, on page 2, at the end of line 13, add "If the commission does not make a determination within the 45-day period required by this subsection:

(1) the appropriate prosecuting attorney may bring an action for criminal prosecution; and

(2) notwithstanding Subsection (e), the commission or the state is not entitled to receive any part of an amount recovered through a prosecution brought by that prosecuting attorney.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

**HR 987 - ADOPTED
(by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 987**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 987, Honoring Neelam Davé Kulkarni for being named 2002-2003 Teacher of the Year at Pleasant Hill Elementary School in Austin.

HR 987 was adopted without objection.

SB 1265 - (consideration continued)

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Giddings offered the following amendment to **SB 1265**:

Amend **SB 1265** on third reading in SECTION 2 of the bill, in proposed Section 7.203(a), Water Code (Committee Printing page 1, line 19), by adding at the end of the section:

Nothing in this section shall prevent a governmental entity from taking necessary and immediate action against an illegal act that causes imminent adverse effects to the public health, safety, and welfare of the community in which the illegal act was committed.

Representative Capelo moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Capelo offered the following amendment to **SB 1265**:

Amend **SB 1265** on third reading in SECTION 2 of the bill, in proposed Section 7.203(a), Water Code (Committee Printing page 1, line 19), by adding at the end of the section:

Nothing in this section limits the power of a peace officer to arrest a person for an alleged offense.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Deshotel offered the following amendment to **SB 1265**:

Amend **SB 1265** on third reading by amending Amendment No. 6 by Deshotel, adopted on second reading, by striking item #2 of the amendment and substituting:

(2) In added Section 7.203(c), Water Code, on page 2, at the end of line 13, add "If the commission does not make a determination within the 45-day period required by this subsection:

(1) the appropriate prosecuting attorney may bring an action for criminal prosecution; and

(2) notwithstanding Subsection (e), the commission or the state is not entitled to receive any part of an amount recovered through a prosecution brought by that prosecuting attorney.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Bonnen offered the following amendment to **SB 1265**:

Amend **SB 1265** as follows:

On page 1, line 15, strike "It is an exception to the application of this section that the" and insert "This section does not apply to an".

On page 1, line 17, in between the words "violation" and "clearly" insert "that".

On page 2, line 5 after the word "violation." insert "This section does not prohibit a peace officer from issuing a citation or making an arrest."

On page 2, line 19 in between the words "criminal prosecution" and "." insert "and the prosecuting attorney may proceed with the criminal prosecution of the alleged violation."

On page 2, line 23 in between the words "authorities" and "." insert "and the reasons why administrative or civil are adequate or appropriate. A prosecuting attorney may not prosecute an alleged violation if the commission determines that administrative or civil remedies are adequate and appropriate."

Amendment No. 6 was adopted without objection.

(Villarreal now present)

SB 1265 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GATTIS: Representative Capelo, I've got a couple of questions. We recognize, don't we, that across the State of Texas that some laws are enforced differently across the state. I mean, there's areas where you just don't speed, and there's areas where you do, right?

REPRESENTATIVE CAPELO: That's correct.

GATTIS: There's counties that are much tougher on criminal penalties than other counties, and they have a reputation of being that way, don't they, across the state?

CAPELO: And none of us are very pleased with that, I might add, Mr. Gattis.

GATTIS: Well, I wish everybody else would come up to some people's level. But let me ask you a hypothetical question with regard to what would happen if this bill went into place. And let's assume that a law enforcement officer obtains evidence that a clear violation—by a permitted company that is covered by this bill, has a violation. They then have the responsibility, at that point in time, to not go to the prosecutor but to go to TCEQ. Is that right?

CAPELO: They have the responsibility to do everything that they do today. To completely investigate, to fill out a report, to fill out the offense, to make whatever arrest they deem necessary, and to do what they're doing today. And to do what they did up until 1997, which to make sure that TCEQ is included in the equation.

GATTIS: I just really want to understand the exact process, how we're going.

CAPELO: Mr. Gattis, I am certain you understand the process.

GATTIS: So they make the arrest, and then they go to TCEQ and say, "This is our evidence, yes or no? Can we prosecute, can we not prosecute?" And the TCEQ makes the determination. Either they're going to pursue it through civil remedies or administrative remedies, or the prosecutor can then prosecute under criminal penalties. Is that right?

CAPELO: That's part of the equation. That's correct.

GATTIS: Let's assume that this violation occurred with a couple of days left in the statute of limitations. That officer's going to have to go through TCEQ before the prosecutor can ever bring that cause of action. Isn't that correct?

CAPELO: You're referring to a criminal statute of limitations?

GATTIS: Correct.

CAPELO: Mr. Gattis, I'm sure you know, more so than anyone else, that there's rarely a criminal statute of limitations that's ever run on a crime. That's an extremely long statute of limitations.

GATTIS: I understand, but let's assume—

CAPELO: Wouldn't you agree that there are eight, 10, 20 year statutes of limitations for criminal activity?

GATTIS: But if we had one that was within a couple of days, they would have to go to TCEQ first before they ever went, is that right?

CAPELO: Mr. Gattis, you're raising a hypothetical that is so far from the realm of possibility, well, then I can give you an answer that you can say, "Ah ha".

GATTIS: Well, let me ask it to you this way: what branch of government is TCEQ?

CAPELO: State.

GATTIS: What branch of government, are they under the executive branch, the judicial branch, or the legislative branch?

CAPELO: They're under the executive branch.

GATTIS: They're under the executive branch. What branch of government is the district attorney's office under?

CAPELO: I would assume that they're—goodness—I guess they're in the executive branch also.

GATTIS: I believe they're part of the judicial branch because they're officers of the court.

CAPELO: Does that mean that we're part of the judicial branch as well?

GATTIS: Well, it means we're under their authority. We're officers of the court.

CAPELO: I believe they're part of the executive branch.

GATTIS: Aren't we giving authority of a state agency over our district attorneys, whether or not they can prosecute crime?

CAPELO: Could you repeat that again?

GATTIS: Aren't we giving a state agency authority to make a determination over our prosecutors, whether or not they can prosecute a crime?

CAPELO: No. What we're doing, Mr. Gattis, is, very clearly, is to return to the time period, 1997 and before, when our law enforcement officers, TCEQ, and our district attorneys worked together to make sure that the environmental laws were implemented fairly and consistently across the State of Texas. What we're trying to get away from, is from folks who abuse those laws so they can generate revenue, and run campaigns, and brag about what they're doing.

GATTIS: Representative Capelo, are we giving authority to a state agency over our district attorney's office, whether or not they can bring a case? Yes or no?

CAPELO: No.

GATTIS: So, when Mr. Bonnen's amendment says a prosecutor may not bring a case, that's not giving that authority to TCEQ over that prosecutor?

CAPELO: I think you need to read that amendment completely, and put it in context of the whole bill.

GATTIS: Well, it says he may not bring a case, unless—if TCEQ determines that they want to pursue administrative remedies instead of criminal remedies. Isn't that what it says?

CAPELO: Read that amendment in conclusion with the bill. That's not what it means.

GATTIS: Isn't that what it says, Representative Capelo?

CAPELO: Mr. Gattis, for the third time, please read the amendment and the bill and put it in context.

REMARKS ORDERED PRINTED

Representative Gattis moved to print remarks between Representative Capelo and Representative Gattis.

The motion prevailed without objection.

A record vote was requested.

SB 1265, as amended, was passed by (Record 501): 84 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Eiland; Eissler; Ellis; Farabee; Flores; Flynn; Geren; Goodman; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Krusee; Laubenberg; Lewis; Madden; McCall; McReynolds; Mercer; Miller; Morrison; Mowery; Paxton; Phillips; Pitts; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Telford; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Baxter; Branch; Burnam; Canales; Castro; Coleman; Davis, Y.; Dukes; Dutton; Edwards; Elkins; Farrar; Gallego; Garza; Gattis; Giddings; Goolsby; Griggs; Guillen; Hartnett; Hochberg; Hodge; Hope; Jones, J.; Keel; Kolkhorst; Kuempel; Laney; Luna; Mabry; Marchant; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Raymond; Rodriguez; Rose; Solis; Stick; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Solomons(C).

Absent, Excused — Cook, B.; Merritt; Nixon; Oliveira; Ritter.

Absent — Chavez; Taylor.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 501. I intended to vote no.

Hilderbran

When Record No. 501 was taken, I was shown voting present, not voting because I was in the chair. Had I not been in the chair, I would have voted no.

Solomons

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**SB 409 ON THIRD READING
(Chavez - House Sponsor)**

SB 409, A bill to be entitled An Act relating to the membership of the Texas Transportation Commission.

SB 409 was read third time earlier today and was postponed until 3 p.m. today.

A record vote was requested.

SB 409 was passed by (Record 502): 82 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Alonzo; Bailey; Baxter; Branch; Burnam; Canales; Capelo; Castro; Chavez; Cook, R.; Corte; Crownover; Davis, Y.; Dawson; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Farrar; Flores; Flynn; Gallego; Garza; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamric; Harper-Brown; Hartnett; Heflin; Hill; Hodge; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Krusee; Laubenberg; Lewis; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Seaman; Solis; Stick; Taylor; Thompson; Uresti; Villarreal; Wilson; Wise; Wohlgemuth; Wolens; Zedler.

Nays — Allen; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Crabb; Davis, J.; Delisi; Denny; Deshotel; Eiland; Elkins; Ellis; Farabee; Gattis; Geren; Hamilton; Hardcastle; Hegar; Hilderbran; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Luna; Mabry; McReynolds; Miller; Phillips; Pitts; Reyna; Rose; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Telford; Truitt; Van Arsdale; West; Wong; Woolley.

Present, not voting — Mr. Speaker; Solomons(C).

Absent, Excused — Cook, B.; Merritt; Nixon; Oliveira; Ritter.

Absent — Coleman; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 502. I intended to vote no.

Dawson

I was shown voting yes on Record No. 502. I intended to vote no.

Isett

**HB 3152 ON SECOND READING
(by Bonnen)**

HB 3152, A bill to be entitled An Act relating to the potability of and requirements for removing contaminants from groundwater.

HB 3152 was read second time on May 1 and was postponed until 10 a.m. today.

Representative Bonnen moved to postpone consideration of **HB 3152** until 10 a.m. tomorrow.

The motion prevailed without objection.

**CSSB 1237 ON SECOND READING
(Phillips - House Sponsor)**

CSSB 1237, A bill to be entitled An Act relating to license fees for certain nursing and convalescent homes.

CSSB 1237 was considered in lieu of **HB 2373**.

CSSB 1237 was read second time and was passed to third reading.

HB 2373 - LAID ON THE TABLE SUBJECT TO CALL

Representative Phillips moved to lay **HB 2373** on the table subject to call.

The motion prevailed without objection.

**SB 249 ON SECOND READING
(Eiland - House Sponsor)**

SB 249, A bill to be entitled An Act relating to the use of the Galveston-Port Bolivar ferry operated by the Texas Department of Transportation.

SB 249 was considered in lieu of **CSHB 524**.

SB 249 was read second time.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 249**:

Amend **SB 249** (Senate engrossment) as follows:

On page 2, between lines 1 and 2, insert the following new subsection.

"(c) The department shall deposit each fee collected under this section to the credit of the state highway fund."

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Seaman offered the following amendment to **SB 249**:

Amend **SB 249** as follows:

(1) In SECTION 1 of the bill, in proposed Section 342.004, Transportation Code (House Committee Printing page 1, lines 7-8), strike "VEHICLE STICKER" and substitute "AND PORT ARANSAS FERRY VEHICLE STICKERS".

(2) In SECTION 1 of the bill, strike proposed Section 342.004(a), Transportation Code (House Committee Printing page 1, lines 8-12), and substitute the following:

(a) The department may adopt rules to establish a system under which an owner of a motor vehicle registered under Chapter 502 may apply to the department for issuance of:

(1) a sticker for the vehicle that entitles the vehicle to have priority in boarding the Galveston-Port Bolivar ferry operated by the department; or

(2) a sticker for the vehicle that entitles the vehicle to have priority in boarding the Port Aransas ferry operated by the department.

(3) In SECTION 1 of the bill, in proposed Section 342.004(b), Transportation Code (House Committee Printing page 1, line 14), between "sticker" and the semicolon insert "for each ferry".

(4) In SECTION 1 of the bill, in proposed Section 342.004(b), Transportation Code (House Committee Printing page 1, lines 23-24), strike "Galveston-Port Bolivar" and substitute "applicable".

Amendment No. 2 was adopted without objection.

SB 249, as amended, was passed to third reading.

CSHB 524 - LAID ON THE TABLE SUBJECT TO CALL

Representative Eiland moved to lay **CSHB 524** on the table subject to call.

The motion prevailed without objection.

HR 957 - ADOPTED

(by Christian)

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 957**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 957, Welcoming a delegation from Joaquin Junior High School to the State Capitol.

HR 957 was adopted without objection.

HB 1926 ON SECOND READING

(by Capelo)

HB 1926, A bill to be entitled An Act relating to immunization of children.

HB 1926 was read second time on April 29, postponed until May 1, and was again postponed until 11 a.m. today.

Representative Capelo moved to postpone consideration of **HB 1926** until 11 a.m. tomorrow.

The motion prevailed without objection.

CSHB 1606 ON SECOND READING
(by Wolens)

CSHB 1606, A bill to be entitled An Act relating to ethics of public servants, including the functions and duties of the Texas Ethics Commission; the regulation of political contributions, political advertising, lobbying, and conduct of public servants; and the reporting of political contributions and personal financial information; providing civil and criminal penalties.

CSHB 1606 was postponed until 10 a.m. today in accordance with a motion made by Representative Wolens on April 30.

Representative Wolens moved to postpone consideration of **CSHB 1606** until 10 a.m. tomorrow.

The motion prevailed without objection.

SB 83 ON SECOND READING
(Branch, Bohac, McClendon, Eissler, and Kolkhorst - House Sponsors)

SB 83, A bill to be entitled An Act relating to pledges of allegiance to the United States and Texas flags and to observance of one minute of silence in public schools.

SB 83 was considered in lieu of **CSHB 793**.

(B. Cook now present)

SB 83 was read second time.

Amendment No. 1

Representative Burnam offered the following amendment to **SB 83**:

Amend **SB 83** on page 1, line 12, by striking "shall" and substituting "may".

Amendment No. 1 was withdrawn.

SB 83 was passed to third reading. (Burnam recorded voting no)

REASON FOR VOTE

This bill violates the basic concept of local control and probably the first amendment of the U.S. Constitution as well.

Burnam

CSHB 793 - LAID ON THE TABLE SUBJECT TO CALL

Representative Branch moved to lay **CSHB 793** on the table subject to call.

The motion prevailed without objection.

SB 437 ON SECOND READING
(Callegari - House Sponsor)

SB 437, A bill to be entitled An Act relating to the service area of the North Harris Montgomery Community College District.

SB 437 was considered in lieu of **HB 1316**.

SB 437 was read second time and was passed to third reading.

HB 1316 - LAID ON THE TABLE SUBJECT TO CALL

Representative Callegari moved to lay **HB 1316** on the table subject to call.

The motion prevailed without objection.

CSHB 577 ON SECOND READING
(by King)

CSHB 577, A bill to be entitled An Act relating to the service area of the Weatherford College District.

CSHB 577 was read second time on April 29 and was postponed until 11 a.m. today.

CSHB 577 was passed to engrossment. (J. Keffer recorded voting present, not voting; Wohlgenuth recorded voting no)

CSHB 2768 ON SECOND READING
(by Woolley)

CSHB 2768, A bill to be entitled An Act relating to facilitating and supporting the efforts of certain municipalities and counties to promote economic development by hosting certain sport events and authorizing certain municipalities and counties to issue notes for payment of obligations incurred to bid or prepare for and host those events.

CSHB 2768 was read second time on April 30 and was postponed until 1:00 p.m. today.

CSHB 2768 - RECOMMITTED

Representative Woolley moved to recommit **CSHB 2768** to the Committee on Economic Development.

The motion prevailed without objection.

CSHB 859 ON SECOND READING
(by Madden, Grusendorf, Eissler, and Kolkhorst)

CSHB 859, A bill to be entitled An Act relating to home-rule school districts.

CSHB 859 was read second time on April 29, postponed until May 1, and was again postponed until 1:00 p.m. today.

Representative Madden moved to postpone consideration of **CSHB 859** until 11 a.m. Thursday, May 8.

The motion prevailed without objection.

SB 408 ON SECOND READING
(R. Cook - House Sponsor)

SB 408, A bill to be entitled An Act relating to the punishment for the offense of terroristic threat.

SB 408 was read second time on May 2 and was postponed until 2 p.m. today.

Amendment No. 1

Representative R. Cook offered the following amendment to **SB 408**:

Amend **SB 408** as follows:

(1) In SECTION 1 of the bill, in amended Section 22.07(b), Penal Code (page 1, line 10), strike "actor's" and substitute "person's".

(2) In SECTION 1 of the bill, in amended Section 22.07(b), Penal Code (page 1, line 11), between "or" and "against", insert "otherwise constitutes family violence or if the offense is committed".

(3) In SECTION 1 of the bill, in added Section 22.07(c), Penal Code (page 1, between lines 17 and 18), immediately following Subdivision (1), insert the following:

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(4) In SECTION 1 of the bill, in added Section 22.07(c), Penal Code (page 1, line 18), strike "(2)" and substitute "(3)".

Amendment No. 1 was adopted without objection.

SB 408, as amended, was passed to third reading.

HB 512 - LAID ON THE TABLE SUBJECT TO CALL

Representative R. Cook moved to lay **HB 512** on the table subject to call.

The motion prevailed without objection.

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 599 ON SECOND READING

(by Chisum, Gallego, Solomons, Dunnam, Wise, et al.)

CSHB 599, A bill to be entitled An Act relating to the continuation and functions of the State Bar of Texas.

(Allen in the chair)

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 599**:

Amend **CSHB 599** as follows:

On page 12, strike lines 13-21 and replace with:

(j) The supreme court shall set an additional civil legal services fee in an amount not to exceed \$25 to be paid annually by each active member of the state bar. The fee must be set in accordance with Section 81.024.

HR 907 - ADOPTED

(by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 907**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 907, In memory of Dr. Robert "Bob" Lorenz of Lago Vista.

HR 907 was unanimously adopted by a rising vote.

CSHB 599 - (consideration continued)

Representative Naishtat moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Stick offered the following amendment to **CSHB 599**:

Amend **CSHB 599** as follows:

On page 12, strike lines 13-21.

Amendment No. 2 - Point of Order

Representative Wise raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 6(g) of the House Rules on the grounds that 25 copies of the amendment were not provided to and made available in the chief clerk's office 12 hours prior to the layout of the bill.

The chair sustained the point of order.

The ruling precluded further consideration of the amendment.

Amendment No. 3

Representative Lewis offered the following amendment to **CSHB 599**:

CSHB 599 is amended by creating a new Section 22 to read as follows and renumbering all following sections accordingly:

SECTION 22. Chapter 171, Local Government Code, is amended by adding Section 171.010 to read as follows:

Section 171.010. PRACTICE OF LAW. (a) For purposes of this chapter, a county judge or county commissioner engaged in the private practice of law has a substantial interest in a business entity if the official has entered a court appearance or signed court pleadings in a matter relating to that business entity.

(b) A county judge or county commissioner that has a substantial interest in a business entity as described by Subsection (a) must comply with this chapter.

(c) A judge of a constitutional county court may not enter a court appearance or sign court pleadings as an attorney in any matter before:

(1) the court over which the judge presides; or
(2) any court in this state over which the judge's court exercises appellate jurisdiction.

(d) Upon compliance with this chapter, a county judge or commissioner may practice law in the courts located in the county where the county judge or commissioner serves.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Hill offered the following amendment to **CSHB 599**:

Amend **CSHB 599** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 82.025, Government Code, is amended to read as follows:

Sec. 82.025. EXEMPTION FOR LEGISLATIVE SERVICE. (a) Membership in the legislature for 12 consecutive years and a bachelor's degree or its equivalent ~~[The following legislative service or service and education]~~ may be substituted for the prelegal study and training and study of the law required of candidates for the examination for a license to practice law[~~:~~

~~[(1) membership in the legislature for 12 consecutive years;~~

~~[(2) membership in the legislature for eight consecutive years and a bachelor's degree or its equivalent;~~

~~[(3) membership in the legislature for four consecutive years, a bachelor's degree or its equivalent, and adequate study of the law for at least two years at an approved law school; or~~

~~[(4) service in both houses of the legislature and a master's degree or its equivalent].~~

(b) A person applying for an exemption under this section must meet the requirements of Subsection (a) before applying to take the examination.

(c) A person applying for an exemption under this section has given sufficient notice if the person gives to the clerk of the supreme court 30 days' notice of intention to take the examination.

(d) This section does not affect the supreme court requirements relating to moral character.

Amendment No. 4 - Point of Order

Representative Phillips raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 6(g) of the House Rules on the grounds that 25 copies of the amendment were not provided to and made available in the chief clerk's office 12 hours prior to the layout of the bill.

(Speaker in the chair)

The point of order was withdrawn.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Talton offered the following amendment to **CSHB 599**:

Amend **CSHB 599** by adding the following new sections to the bill, numbered appropriately, and renumbering existing sections of the bill appropriately:

Section _____. Section 82.036, Government Code, is amended to read as follows:

Sec. 82.036. Foreign Attorneys. (a) The supreme court shall make rules and regulations as to admitting attorneys from other jurisdictions to practice law in this state as it shall deem proper and just. All such attorneys shall be required to furnish satisfactory proof as to good moral character.

(b) The rules adopted under this section must allow an attorney licensed to practice law in another jurisdiction to:

(1) take the bar examination and, on passing the examination, be admitted to practice law in this state, regardless of whether the attorney completed the law study requirements for admission at an approved law school, if the attorney:

(A) is otherwise eligible to take the examination and be admitted to practice law; and

(B) is in good standing with the licensing authority of the other jurisdiction and there is no disciplinary investigation or action pending against the attorney; and

(2) be admitted to practice law in this state without examination, regardless of whether the attorney completed the law study requirements for admission at an approved law school, if the attorney:

(A) is otherwise eligible for admission to practice law without examination; and

(B) is in good standing with the licensing authority of the other jurisdiction and there is no disciplinary investigation or action pending against the attorney.

SECTION _____. As soon as practicable after the effective date of this Act, the supreme court shall adopt rules to implement Section 82.036, Government Code, as amended by this Act.

SECTION _____. Section 82.036, Government Code, as amended by this Act, applies only to a person who files an application to take the bar examination or an application for admission to the State Bar of Texas on or after September 1, 2003.

Amendment No. 6

Representative Hartnett offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Talton to **CSHB 599** by striking page 1, line 11, through page 2, line 7, and substituting the following:

(b) The rules adopted under this section must allow an attorney licensed to practice law in another state to take the bar examination and, on passing the examination, be admitted to practice law in this state, regardless of whether the attorney completed the law study requirements for admission at an approved law school, if the attorney:

(1) is otherwise eligible to take the examination and be admitted to practice law; and

(2) is in good standing with the licensing authority of the other state and there is no disciplinary investigation or action pending against the attorney.

Amendment No. 6 was adopted without objection.

Amendment No. 6 - Vote Reconsidered

Representative Hartnett moved to reconsider the vote by which Amendment No. 6 was adopted.

The motion to reconsider prevailed without objection.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Hartnett offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Talton to **CSHB 599** by striking page 1, line 11, through page 2, line 7, and substituting the following:

(b) The rules adopted under this section must allow an attorney licensed to practice law in another state to take the bar examination and, on passing the examination, be admitted to practice law in this state, provided that the attorney completed the law study requirements for admission at an approved or unapproved law school, if the attorney:

(1) is otherwise eligible to take the examination and be admitted to practice law; and

(2) is in good standing with the licensing authority of the other state and there is no disciplinary investigation or action pending against the attorney.

Amendment No. 7 was adopted without objection. (Thompson recorded voting no)

Amendment No. 5, as amended, was adopted without objection. (Hartnett and Thompson recorded voting no)

Amendment No. 8

Representatives Solis, Flores, and Rodriguez offered the following amendment to **CSHB 599**:

Amend **CSHB 599** as follows:

(1) Insert a new SECTION 8 to read as follows:

"SECTION 8. Subchapter B, Chapter 82, Government Code, is amended by adding Sections 82.0242 to read as follows:

Sec. 82.0242. LAW STUDY REQUIREMENT; CERTAIN STUDENTS. (a) Notwithstanding any other provision of law, the law study requirement for taking the examination for a license to practice law is satisfied and a person is eligible to take the bar examination if the person has pursued the study of law in an approved law school or schools by satisfying all requirements for graduation with a J. D. degree or its equivalent, except for not more than 12 semester hours or its equivalent in quarter hours.]

(b) Any person qualifying to take the bar examination under Subsection (a) shall not be licensed to practice law until graduation or satisfaction of all requirements for graduation.

(c) If any person under Subsection (a) has not graduated with a J. D. degree or satisfied all requirements for graduation within two years from the date that all parts of the bar examination are satisfactorily completed, the person's examination scores shall be void.

(d) This section expires September 1, 2004."

(2) Renumber subsequent SECTIONS accordingly.

Amendment No. 8 was adopted without objection. (Hartnett recorded voting no)

CSHB 599, as amended, was passed to engrossment.

CSHB 1538 ON SECOND READING

(by Chisum, Gallego, Solomons, Dunnam, and McClendon)

CSHB 1538, A bill to be entitled An Act relating to the continuation and functions of the Texas Funeral Service Commission, including certain functions transferred to the commission from the Texas Department of Health, and the powers and duties of the Texas Finance Commission and the banking commissioner of Texas regarding cemeteries; providing administrative and civil penalties.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 1538**:

Amend **CSHB 1538** as follows:

(1) On page 2, line 5, insert "and Chapter 716, Health and Safety Code" between "chapter" and ".".

(2) On page 2, line 25-27 and page 3, line 1-2, line strike subsection (b).

(3) On page 3, line 26, strike "crematory operator's".

(4) On page 4, line 2, strike "crematory".

(5) On page 4, line 16, strike "or 715" and insert "715, or 716".

(6) On page 5, line 4-5, strike "or 361" and insert ", 361, or 716".

(7) On page 9, lines 7-27, page 10 lines 1-27, and page 11, lines 1-7, strike SECTIONS 15, 16, 17, 18, 19, and 20.

(8) On page 14, line 23, strike "CREMATORY".

(9) On page 15, lines 19-27 and page 16, lines 1-5, strike Sec. 651.3535.

(10) On page 16, line 8, strike "Crematory".

(11) On page 16, line 10, strike "crematory".

(12) On page 16, line 15, strike "crematory".

(13) On page 16, line 20, strike "crematory".

(14) On page 16, line 25, strike "crematory".

(15) On page 16, line 26, strike "crematory".

(16) On page 17, lines 9-11, strike ", and a licensed crematory operator shall sign a purchase agreement for a crematory".

(17) On page 31, lines 22, strike "or crematory establishment".

(18) On page 31, lines 25-27, strike subsection (b).

Amendment No. 1 was adopted without objection.

CSHB 1538, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 2769 ON SECOND READING

(by Chisum, Gallego, Solomons, and Dunnam)

CSHB 2769, A bill to be entitled An Act relating to changing the composition of certain state agency governing bodies with an even number of members to comply with the changes made to Section 30a, Article XVI, Texas Constitution.

Representative Chisum moved to postpone consideration of **CSHB 2769** until 10 a.m. Wednesday, May 7.

The motion prevailed without objection.

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

The following bills were laid before the house and read second time:

SB 271 ON SECOND READING

(Dunnam - House Sponsor)

SB 271, A bill to be entitled An Act relating to the regulation of riding stables.

SB 271 was passed to third reading.

GENERAL STATE CALENDAR

HOUSE BILLS

SECOND READING

The following bills were laid before the house and read second time:

(Ellis in the chair)

CSHB 2829 ON SECOND READING

(by Luna)

CSHB 2829, A bill to be entitled An Act relating to supplemental pay for certain Department of Public Safety officers who are proficient in a second language.

CSHB 2829 was passed to engrossment.

CSHB 875 ON SECOND READING**(by Menendez)**

CSHB 875, A bill to be entitled An Act relating to peace officers commissioned by the State Board of Dental Examiners.

Representative Menendez moved to postpone consideration of **CSHB 875** until the end of today's calendar.

The motion prevailed without objection.

HB 759 ON SECOND READING**(by Wilson)**

HB 759, A bill to be entitled An Act relating to a transportation service to facilitate the purchase of medications near the state border with the United Mexican States.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Goolsby and by unanimous consent, the reading and referral of bills was taken up at this time.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HB 759 - (consideration continued)**Amendment No. 1**

Representative Canales offered the following amendment to **HB 759**:

Amend **HB 759** (Committee Printing) on page 1, between lines 21 and 22, by inserting the following SECTION and renumbering existing SECTIONS accordingly:

SECTION 2. The Select Committee on State Health Care Expenditures shall conduct an interim study concerning the availability and cost of prescription medications to elderly individuals in this state. The committee shall make recommendations to the legislature not later than January 1, 2005, regarding amendments to this Act.

Amendment No. 1 was adopted without objection.

HB 759, as amended, was passed to engrossment. (B. Brown and Howard recorded voting no)

CSHB 1653 ON SECOND READING**(by Chavez)**

CSHB 1653, A bill to be entitled An Act relating to approval of the construction of a bridge over the Rio Grande.

CSHB 1653 was passed to engrossment.

HB 249 ON SECOND READING
(by Goolsby and Wohlgemuth)

HB 249, A bill to be entitled An Act relating to the returned check fee collected by a county clerk.

HB 249 was passed to engrossment.

CSHB 494 ON SECOND READING
(by J. Jones and Casteel)

CSHB 494, A bill to be entitled An Act relating to security fees in certain civil and criminal cases.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **CSHB 494**:

Amend **CSHB 494** on page 1, line 16 by striking "justice court," and substituting "[~~justice court,~~]".

Amendment No. 1 was adopted without objection.

CSHB 494, as amended, was passed to engrossment.

CSHB 532 ON SECOND READING
(by Giddings)

CSHB 532, A bill to be entitled An Act relating to creating the offense of improper sexual relations between employees of a public or private primary or secondary school and certain students.

Amendment No. 1

Representative Giddings offered the following amendment to **CSHB 532**:

Amend **CSHB 532** as follows:

(1) On page 1, line 24 through page 2, line 8, strike sections 2 and 3 of the bill; and

(2) Renumber subsequent sections of the bill accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Heflin offered the following amendment to **CSHB 532**:

Amend **CSHB 532** as follows:

(1) On page 1, line 14, strike "state jail felony" and substitute "felony of the second degree".

(2) On page 1, strike lines 18-23.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Chisum offered the following amendment to **CSHB 532**:

Amend **CSHB 532**, Committee Report, on line 12, page 1, by striking, "younger than 18".

Amendment No. 3 was adopted.

CSHB 532, as amended, was passed to engrossment.

**SB 441 ON SECOND READING
(T. Smith - House Sponsor)**

SB 441, A bill to be entitled An Act relating to the transportation by motor vehicle of persons within the boundaries of certain airports; creating an offense.

SB 441 was considered in lieu of **HB 960**.

SB 441 was passed to third reading.

HB 960 - LAID ON THE TABLE SUBJECT TO CALL

Representative T. Smith moved to lay **HB 960** on the table subject to call.

The motion prevailed without objection.

**HB 1036 ON SECOND READING
(by Ritter, et al.)**

HB 1036, A bill to be entitled An Act relating to the confidentiality of certain reports of criminal activity and to immunity from civil liability for certain persons making or receiving those reports.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hegar, Representative Homer offered the following committee amendment to **HB 1036**:

Amend **HB 1036**, SECTION 2, by striking new Section 414.013 and replacing it with new Section 414.013 to read as follows:

Sec. 414.013. IMMUNITY FROM CIVIL LIABILITY. (a) A person who communicates to the council or a crime stoppers organization a report of criminal activity that leads to the arrest of, the filing of charges against, or the conviction of a person for a criminal offense, is immune from civil liability for damages resulting from the communication unless the communication was intentionally willfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

(b) A person who in the course and scope of the person's duties or functions receives, forwards, or acts on a report of criminal activity communicated to the council or a crime stoppers organization is immune from civil liability for damages resulting from an act or omission in the performance of the person's duties or functions unless the act or omission was intentional, willfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

Amendment No. 1 was adopted without objection.

HB 1036, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

**CSHB 1594 ON SECOND READING
(by West)**

CSHB 1594, A bill to be entitled An Act relating to requirements for emergency response plans relating to pipeline safety.

Amendment No. 1

Representative Baxter offered the following amendment to **CSHB 1594**:

Amend **CSHB 1594** on page 3, line 27, by striking "include security sensitive information including maps or data." and substituting "describe the technical details of vulnerabilities of the pipeline to an act of terrorism."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Mabry offered the following amendment to **CSHB 1594**:

- (1) Amend **CSHB 1594** on page 2, line 22, by striking "on written request".
- (2) Amend **CSHB 1594** on page 3, line 12, by striking "requested".

Amendment No. 2 was adopted without objection.

CSHB 1594, as amended, was passed to engrossment.

**CSHB 1619 ON SECOND READING
(by Laubenberg and Paxton)**

CSHB 1619, A bill to be entitled An Act relating to tuition payments by certain school districts.

Amendment No. 1

Representative Paxton offered the following amendment to **CSHB 1619**:

Amend **CSHB 1619** as follows:

- (1) On page 1, line 10, strike "~~[lesser of the]~~" and substitute "greater ~~[lesser]~~ of the".

- (2) On page 1, lines 11 and 12, strike "~~[or an amount specified by commissioner rule]~~" and substitute "or an amount specified by commissioner rule".

- (3) On page 1, between lines 12 and 13, insert the following new section:

SECTION 2. Section 42.106, Education Code, is amended to read as follows:

Sec. 42.106. ADJUSTED PROPERTY VALUE FOR DISTRICTS NOT OFFERING ALL GRADE LEVELS. For purposes of this chapter, the taxable value of property of a school district that contracts for students residing in the district to be educated in another district under Section 25.039(a) is adjusted by applying the formula:

$$\text{ADPV} = \text{DPV} - (\text{TN}/.015)$$

where:

"ADPV" is the district's adjusted taxable value of property;

"DPV" is the taxable value of property in the district for the preceding tax year determined under Subchapter M, Chapter 403, Government Code; and

"TN" is the total amount of tuition required to be paid by the district under Section 25.039 for the school year for which the adjustment is made, not to exceed the amount specified by commissioner rule under Section 25.039(b).

(4) On page 1, line 13, strike "SECTION 2" and substitute "SECTION 3".

Amendment No. 1 was adopted without objection.

CSHB 1619, as amended, was passed to engrossment.

HB 1733 ON SECOND READING

(by Hamric)

HB 1733, A bill to be entitled An Act relating to certain records kept by persons who weigh cargo transported by commercial motor vehicles.

HB 1733 was passed to engrossment.

CSHB 1765 ON SECOND READING

(by W. Smith)

CSHB 1765, A bill to be entitled An Act relating to requiring financial assurance as a condition of issuing a permit or registration to haulers of certain solid wastes.

CSHB 1765 was passed to engrossment.

CSHB 2044 ON SECOND READING

(by McReynolds)

CSHB 2044, A bill to be entitled An Act relating to the powers and duties of the General Land Office and the accounting and disposition of state-owned real property.

Amendment No. 1

Representative Flores offered the following amendment to **CSHB 2044**:

Amend **CSHB 2044** as follows:

(1) On page 21, between lines 2 and 3, insert the following:

(c) If the commissioner recommends a real estate transaction to the governor involving real property identified as not used or substantially underused and the division's analysis of the highest and best use for the real property is determined to be residential, the Texas Department of Housing and Community Affairs shall evaluate the property and identify any property suitable for affordable housing. The Texas Department of Housing and Community Affairs shall submit comments concerning any property suitable for affordable housing and any documents supporting the comments to the governor not later than the 60th day after the date it receives the report prepared under this section.

(2) On page 21, line 3, strike "(c)" and substitute "(d)".

(3) On page 21, line 15, strike "(d)" and substitute "(e)".

(4) On page 22, line 3, strike "(e)" and substitute "(f)".

Amendment No. 1 was adopted without objection.

CSHB 2044, as amended, was passed to engrossment.

CSHB 2266 ON SECOND READING
(by Raymond and Naishtat)

CSHB 2266, A bill to be entitled An Act relating to the placement of electronic monitoring devices in the rooms of certain residents in assisted living facilities.

Representative Raymond moved to postpone consideration of **CSHB 2266** until 10 a.m. Thursday, May 8.

The motion prevailed without objection.

CSHB 2377 ON SECOND READING
(by Hill)

CSHB 2377, A bill to be entitled An Act relating to the transfer of property under the jurisdiction of the Texas Department of Transportation.

Amendment No. 1

Representative Hill offered the following amendment to **CSHB 2377**:

Amend **CSHB 2377** on page 2, line 10, by striking "sold to the general public" and substituting the following:

"transferred or sold with the following priorities:

(1) to a governmental entity with the authority to condemn the property; or

(2) to the general public".

Amendment No. 1 was adopted without objection.

CSHB 2377, as amended, was passed to engrossment.

CSHB 2588 ON SECOND READING
(by Goodman)

CSHB 2588, A bill to be entitled An Act relating to certain fees and costs that may be collected by the Title IV-D agency.

(Speaker in the chair)

Amendment No. 1

On behalf of Representative Morrison, Representative Goodman offered the following amendment to **CSHB 2588**:

Amend **CSHB 2588** by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 157.167, Family Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), for [For] good cause shown, the court may waive the requirement that the respondent pay attorney's fees and costs if the court states the reasons supporting that finding.

(d) If the court finds that the respondent is in contempt of court for failure or refusal to pay child support and that the respondent owes \$20,000 or more in child support arrearages, the court may not waive the requirement that the respondent pay attorney's fees and costs unless the court also finds that the respondent:

(1) is involuntarily unemployed or is disabled; and

(2) lacks the financial resources to pay the attorney's fees and costs.

Amendment No. 1 was adopted without objection.

CSHB 2588, as amended, was passed to engrossment.

HB 2785 ON SECOND READING

(by Eiland, Dawson, Bonnen, Seaman, and Luna)

HB 2785, A bill to be entitled An Act relating to the promotion of the shrimp industry of this state; and providing a source of funding.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hardcastle, Representative Eiland offered the following committee amendment to **HB 2785**:

Amend **HB 2785** as follows:

- (1) On page 4, line 1, strike "47.050" and substitute "47.049".
- (2) On page 5, line 16, strike "dealers" and substitute "dealer".
- (3) On page 5, line 22, strike "(b)" and substitute "(c)".
- (4) On page 6, line 1, strike "(c)" and substitute "(d)".
- (5) On page 6, line 5, strike "(d)" and substitute "(e)".
- (6) On page 6, line 10, strike "(e)" and substitute "(f)".
- (7) On page 7, line 5, strike "(d)" and substitute "(c)".
- (8) On page 7, line 7, strike "(e)" and substitute "(d)".
- (9) On page 7, line 13, strike "(f)" and substitute "(e)".
- (10) On page 7, line 14, strike "(g)" and substitute "(f)".
- (11) On page 7, line 24, between "account" and "an account", strike "in" and substitute "is".
- (12) On page 8, line 5, after "of" and before "Section 403.095, Government Code." insert "Section 11.032 of this code and".
- (13) On page 8, line 11, before "(1) a commercial bay..." insert new subsections 1-4 as follows: "(1) a wholesale fish dealer's license issued under Section 47.009; (2) a wholesale truck dealer's fish license issued under Section 47.010; (3) a retail fish dealer's license issued under Section 47.011; (4) a retail dealer's truck license issued under Section 47.013;" and renumber original sections 1-4 as 5-8.
- (14) On page 8, line 22, strike "Subchapter G of this Title 5" and substitute "Subchapter B of Chapter 47, Agriculture Code".
- (15) On page 8, line 23, strike "fifty" and substitute "one hundred".
- (16) On page 8, line 25, delete ", including in state travel,".

(17) On page 9, line 6-7, strike "Subchapter G of this Title 5" and substitute "Subchapter B of Chapter 47, Agriculture Code".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solis offered the following amendment to **HB 2785**:

Amend **HB 2785** (Committee Printing) by adding the following appropriately numbered section to the bill and renumbering the subsequent sections of the bill accordingly:

SECTION _____. Section 436.011, Health and Safety Code, is amended to read as follows:

Sec. 436.011. PROHIBITED ACTS. The following acts and the causing of the following acts within this state are unlawful and prohibited:

(1) taking, selling, offering for sale, or holding for sale molluscan shellfish from a closed area;

(2) taking, selling, offering for sale, or holding for sale molluscan shellfish from a restricted or conditionally restricted area without complying with a rule adopted by the board to ensure that the molluscan shellfish have been purified, unless:

(A) permission is first obtained from the Parks and Wildlife Department and the transplanting is supervised by that department; and

(B) the Parks and Wildlife Department furnishes a copy of the transplant permit to the director before transplanting activities begin;

(3) possessing a species of aquatic life taken from a prohibited area while the area was prohibited for that species;

(4) operating as a molluscan shellfish processor without a shellfish certificate for each plant or place of business;

(5) operating as a crabmeat processor without a crabmeat processing license for each plant;

(6) selling, offering for sale, or holding for sale molluscan shellfish or crabmeat that has not been picked, handled, packaged, or pasteurized in accordance with the rules adopted by the board;

(7) selling, offering for sale, or holding for sale molluscan shellfish or crabmeat from facilities for the handling and packaging of molluscan shellfish or crabmeat that do not comply with the rules adopted by the board;

(8) selling, offering for sale, or holding for sale molluscan shellfish or crabmeat that is not labeled in accordance with the rules adopted by the board;

(9) selling, offering for sale, or holding for sale molluscan shellfish that is not in a container bearing a valid certificate number from a state or nation whose molluscan shellfish certification program conforms to the current Manual of Operations for Sanitary Control of the Shellfish Industry issued by the Food and Drug Administration or its successor, except selling molluscan shellfish removed from a container bearing a valid certificate number for on-premises consumption; in the event the Texas Molluscan Shellfish Program is found to be out of conformity with the current Manual of Operations, selling, offering for sale, or holding for sale molluscan shellfish in a container bearing a valid Texas

certificate number shall not be considered a violation of this chapter provided all other requirements of this chapter are complied with and the shellfish have come from an approved source;

(10) processing, transporting, storing for sale, possessing with intent to sell, offering for sale, or selling molluscan shellfish or crabmeat for human consumption that is adulterated or misbranded;

(11) removing or disposing of a detained or embargoed article in violation of Section 436.028;

(12) altering, mutilating, destroying, obliterating, or removing all or part of the labeling of a container;

(13) adulterating or misbranding molluscan shellfish or crabmeat in commerce;

(14) refusing to permit entry or inspection, to permit the taking of a sample, or to permit access to or copying by an authorized agent of a record required by this chapter;

(15) failing to establish or maintain a record or report required by this chapter or by a rule adopted by the board; [✖]

(16) violating a rule adopted by the board or an emergency rule or order adopted by the director; or

(17) processing, transporting, storing for sale, possessing with intent to sell, offering for sale, or selling shrimp for human consumption that has been treated with a veterinary drug or antibiotic that is illegal for the treatment of shrimp in the United States.

Amendment No. 2 was adopted without objection.

HB 2785, as amended, was passed to engrossment.

CSHB 2961 ON SECOND READING **(by Krusee)**

CSHB 2961, A bill to be entitled An Act relating to the use of municipal hotel occupancy taxes by certain municipalities.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 2961**:

Amend **CSHB 2961** By adding the following section on page 2 line 18 and renumbering accordingly:

Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1035 to read as follows:

Sec. 351.1035. ALLOCATION OF REVENUE: CERTAIN MUNICIPALITIES IN BORDER COUNTIES. (a) This section applies only to a municipality that is the largest municipality in a county described by Section 352.002(a)(14).

(b) At least 50 percent of the hotel occupancy tax revenue collected by a municipality described by Subsection (a) must be allocated for the purposes provided by Section 351.101(a)(3).

(c) Not more than 15 percent of the hotel occupancy tax revenue collected by a municipality described by Subsection (a) may be used for the purposes provided by Section 351.101(a)(4).

(d) Not more than 15 percent of the hotel occupancy tax revenue collected by a municipality described by Subsection (a) may be used for the purposes provided by Section 351.101(a)(5).

Amendment No. 1 was adopted without objection.

CSHB 2961, as amended, was passed to engrossment.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 875 ON SECOND READING (by Menendez)

CSHB 875, A bill to be entitled An Act relating to peace officers commissioned by the State Board of Dental Examiners.

CSHB 875 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Keel offered the following amendment to **CSHB 875**:

Amend **CSHB 875** on page 4, line 16, between "Occupations Code" and the period, by inserting ", subject to the limitations imposed by that section".

Amendment No. 1 was adopted without objection.

CSHB 875, as amended, was passed to engrossment. (D. Jones recorded voting no)

HB 814 - VOTE RECONSIDERED

Representative Thompson moved to reconsider the vote by which **HB 814** failed to pass.

The motion to reconsider prevailed.

HB 814 ON THIRD READING (by Gutierrez, J. Davis, Thompson, Taylor, B. Keffer, et al.)

HB 814, A bill to be entitled An Act relating to motor vehicle financial responsibility; providing penalties.

Amendment No. 4

On behalf of Representative Thompson, Representative Gutierrez offered the following amendment to **HB 814**:

Amend **HB 814** (Committee printing) as follows:

- (1) On page 3, line 6, strike the semicolon.
- (2) On page 3, line 7, strike "(1)".
- (3) On page 3, line 9, strike "(A)" and substitute "(1)".
- (4) On page 3, line 11, strike "(B)" and substitute "(2)".

- (5) On page 3, line 14, strike "(C)" and substitute "(3)".
(6) On page 3, line 16, strike "(D)" and substitute "(4)".
(7) On page 3, line 21, strike ";and" and substitute ";:".
(8) Strike page 3, line 22 through page 4, line 19.
(9) On page 4, line 20, strike "(e) Each notice or final warning" and substitute "(c) Each notice".
(10) On page 4, strike lines 24-26.
(11) Strike Section 601.448, Transportation Code, as added by the bill (page 7, line 21 through page 8, line 11) and renumber subsequent Sections of the subchapter accordingly.

Amendment No. 4 was adopted without objection.

A record vote was requested.

HB 814, as amended, was passed by (Record 503): 73 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Allen; Berman; Branch; Brown, F.; Callegari; Canales; Chavez; Christian; Cook, B.; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eiland; Eissler; Elkins; Flores; Gallego; Garza; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McReynolds; Menendez; Miller; Morrison; Mowery; Paxton; Peña; Phillips; Pitts; Quintanilla; Raymond; Rodriguez; Smith, T.; Smith, W.; Taylor; Thompson; Truitt; Van Arsdale; West; Wilson; Wolens; Wong; Woolley.

Nays — Alonzo; Bailey; Baxter; Bohac; Bonnen; Brown, B.; Burnam; Campbell; Casteel; Castro; Chisum; Coleman; Corte; Crownover; Davis, Y.; Driver; Dukes; Dutton; Farabee; Farrar; Flynn; Gattis; Giddings; Goodman; Hilderbran; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Mabry; Martinez Fischer; McClendon; Mercer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Reyna; Riddle; Rose; Seaman; Smithee; Solis; Stick; Swinford; Talton; Telford; Turner; Uresti; Villarreal; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Merritt; Nixon; Oliveira; Ritter.

Absent — Capelo; Cook, R.; Dunnam; Edwards; Ellis; Geren; Jones, J.; Laney; Pickett; Puente; Solomons; Wise; Wohlgemuth.

STATEMENT OF VOTE

I was shown voting yes on Record No. 503. I intended to vote no.

Peña

HB 858 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Goodman called up with senate amendments for consideration at this time,

HB 858, A bill to be entitled An Act relating to the salaries of certain judges in Tarrant County.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 858**.

Senate Committee Substitute

HB 858, A bill to be entitled An Act relating to the salaries of certain judges in Tarrant County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.2222(f), Government Code, is amended to read as follows:

(f) The judge of a county court at law shall be paid an annual salary in an ~~[equal to the]~~ amount that is not less than \$1,000 less than the total annual salary, including supplements and salary increases, paid any district judge in the county.

SECTION 2. Section 25.2223(f), Government Code, is amended to read as follows:

(f) The judge of a county criminal court shall be paid an annual salary in an ~~[equal to the]~~ amount that is not less than \$1,000 less than the total annual salary, including supplements and salary increases, paid any district judge in the county.

SECTION 3. Effective September 1, 2003, Section 32.220(a), Government Code, is amended to read as follows:

(a) Notwithstanding Section 659.012, the ~~[The]~~ Commissioners Court of Tarrant County may budget and ~~[shall]~~ pay the judges of the district courts and criminal district courts having jurisdiction only in that county an annual salary in an amount set by the commissioners court ~~[of \$8,000]~~ for services rendered and for administrative duties.

SECTION 4. Effective September 1, 2007, Section 32.220(a), Government Code, is reenacted to read as follows:

(a) The Commissioners Court of Tarrant County shall pay the judges of the district courts and criminal district courts having jurisdiction only in that county an annual salary of \$8,000 for services rendered and for administrative duties.

SECTION 5. Sections 1 and 2 of this Act apply only to a salary payment made on or after October 1, 2003. A salary payment made before October 1, 2003, is governed by the law in effect on the date the salary payment was made, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2003.

HB 1626 - RECOMMITTED

Representative T. Smith moved to recommit **HB 1626** to the Committee on Public Education.

The motion prevailed without objection.

HB 3633 - PERMISSION TO INTRODUCE

Representative Wilson requested permission to introduce and have placed on first reading **HB 3633**.

A record vote was requested.

Permission to introduce was granted by (Record 504): 123 Yeas, 8 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Olivo; Paxton; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Rose; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Burnam; Coleman; Gallego; Hochberg; Noriega; Peña; Rodriguez; Seaman.

Present, not voting — Mr. Speaker(C); Dunnam; Goodman; Villarreal.

Absent, Excused — Merritt; Nixon; Oliveira; Ritter.

Absent — Chisum; Dutton; Flores; Hartnett; Moreno, P.; Naishtat; Puente; Smithee; Thompson; Wise.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was taken up just prior to adjournment.

FIVE DAY POSTING RULE SUSPENDED

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **HB 3266**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, upon adjournment tomorrow, E2.028, for a public hearing, to consider **HB 3266** and pending business.

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Reyna moved to set a local, consent, and resolutions calendar for 9 a.m. tomorrow.

The motion prevailed without objection.

FIVE DAY POSTING RULE SUSPENDED

Representative Flores moved to suspend the five day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 1881**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Calendars, upon adjournment today, speakers committee room, for a formal meeting.

Appropriations, 7 a.m. tomorrow, E1.030, for a formal meeting, to consider **HB 3318**.

Public School Finance, Select, upon adjournment today, appropriations committee room, for a public hearing.

Judicial Affairs, upon adjournment today, Desk 70, for a formal meeting, to consider pending business.

Local Government Ways and Means, upon adjournment today, Desk 73, for a formal meeting, to consider pending business.

Regulated Industries, upon adjournment today, E2.028, for a public hearing, to consider **SB 1261** and **SB 1280**.

Insurance, upon adjournment today, E2.026, for a formal meeting, to consider pending business.

Redistricting, upon adjournment tomorrow, E1.010, for a public hearing, to consider **HB 3398**. This is a continuation of a previous public hearing that was set for 9 a.m. tomorrow.

PROVIDING FOR RECESS

Representative Turner moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow.

The motion prevailed without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

HB 15 - STATEMENT OF VOTE

On April 28, I was shown voting yes on Record No. 371, the motion to table Amendment No. 2. I intended to vote no.

Baxter

HB 814 - STATEMENT OF VOTE

On May 1, I was shown voting no on Record No. 476, passage to engrossment of **HB 814**. I intended to vote yes.

Guillen

RECESS

In accordance with a previous motion, the house, at 8:11 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 232 (By Hilderbran), Honoring 2003 Texas Poet Laureate Jack Myers of Mesquite.

To Rules and Resolutions.

HCR 233 (By Raymond), Expressing legislative support for the IQPP and QSEAL certification programs that ensure the best possible plasma treatment.

To Public Health.

HCR 234 (By Lewis), Honoring Morningside Elementary School as a "recognized school."

To Rules and Resolutions.

HCR 235 (By Lewis), Honoring Harlean Beal Elementary School as a "recognized school."

To Rules and Resolutions.

HCR 236 (By Lewis), Honoring Mitchell Boulevard Elementary School as a "recognized school."

To Rules and Resolutions.

HCR 237 (By Lewis), Honoring Christene Moss Elementary School as a "recognized school."

To Rules and Resolutions.

HCR 238 (By Lewis), Honoring A. M. Pate Elementary School as a "recognized school."

To Rules and Resolutions.

HCR 239 (By Lewis), Honoring David K. Sellars Elementary School as a "recognized school."

To Rules and Resolutions.

HCR 240 (By Lewis), Honoring Maudrie Walton Elementary School as a "recognized school."

To Rules and Resolutions.

HCR 241 (By Lewis), Honoring Van Zandt-Guinn Elementary School as an "exemplary school."

To Rules and Resolutions.

HCR 242 (By Lewis), Honoring East Handley Elementary School as an "exemplary school."

To Rules and Resolutions.

HCR 243 (By Lewis), Honoring Edward J. Briscoe Elementary School as an "exemplary school."

To Rules and Resolutions.

HCR 244 (By Lewis), Congratulating Deralyn Riles Davis of Fort Worth on the 50th anniversary of her graduation from Huston-Tillotson College.

To Rules and Resolutions.

HR 983 (By Krusee), Honoring the Rabbit Hill School's Garden of Memories dedication ceremony, a tribute to the life of Robert "Bob" Clyde Williamson of Florence.

To Rules and Resolutions.

HR 988 (By Raymond), Honoring Charlie Rendon of Laredo as state powerlifting champion.

To Rules and Resolutions.

HR 989 (By Raymond), Honoring Ignacio Garcia on his retirement from Buenos Aires Elementary School.

To Rules and Resolutions.

HR 990 (By Griggs), Honoring Allen Norman on his retirement from Birdville Independent School District.

To Rules and Resolutions.

HR 991 (By Hope), Honoring Bill Gaines of Montgomery on his retirement from the Texas Department of Criminal Justice.

To Rules and Resolutions.

HR 992 (By Hope), Congratulating the Montgomery County Performing Arts Society on its 25th anniversary.

To Rules and Resolutions.

HR 993 (By Merritt), Welcoming the fifth grade class from Longview's Trinity School of Texas to the State Capitol on May 7, 2003.

To Rules and Resolutions.

HR 995 (By Baxter), Honoring Lisa Waller Rogers for receiving a Western Heritage Award for her book The Great Storm: The Hurricane Diary of J.T. King.

To Rules and Resolutions.

HR 997 (By Peña), Commending Judge Mary Alice Palacios on her exemplary public service.

To Rules and Resolutions.

HR 998 (By Stick), Honoring Spicewood Elementary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 999 (By Stick), Honoring Laurel Mountain Elementary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1000 (By Stick), Honoring Westwood High School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1001 (By Stick), Honoring Canyon Vista Middle School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1002 (By Stick), Honoring Davis Elementary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1003 (By Stick), Honoring Timmerman Elementary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1004 (By Stick), Honoring Brookhollow Elementary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1005 (By Stick), Honoring Canyon Creek Elementary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1006 (By Stick), Recognizing the "Sustainable Energy Engineers" from Maplewood Elementary School in Austin.

To Rules and Resolutions.

HR 1007 (By Stick), Honoring Windermere Elementary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1008 (By Stick), Honoring Windermere Primary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1009 (By Stick), Honoring North Oaks Elementary School for earning exemplary status during the 2001-2002 school year.

To Rules and Resolutions.

HR 1010 (By Crownover), Honoring Texas Woman's University for winning its 7th USAG Collegiate National Championship.

To Rules and Resolutions.

HR 1012 (By E. Jones), Honoring the Bexar County Medical Society on its 150th anniversary.

To Rules and Resolutions.

HR 1015 (By Hunter), Congratulating George Newman on his recent selection as Taylor County judge.

To Rules and Resolutions.

HR 1016 (By Hunter), Honoring the life of U.S. Navy Lieutenant Nathan White.

To Rules and Resolutions.

HR 1017 (By Pitts), Congratulating Michelle Carter of Red Oak High School on setting a new high school outdoor national record in the shot put.

To Rules and Resolutions.

HR 1018 (By Pitts), In memory of Betty Sue Shelton Sawyer of Hill County.

To Rules and Resolutions.

HR 1019 (By Pitts), Congratulating Phil Hatlen on receiving the Distinguished Service Award from the Council for Exceptional Children's Division on Visual Impairments.

To Rules and Resolutions.

HR 1020 (By Wong), Honoring Bernadine M. Jones for being named the 2003 Special Education Teacher of the Year for the Houston Independent School District Central District.

To Rules and Resolutions.

HR 1021 (By Christian), Honoring Charles Gee of Jasper for his many years of service to the State of Texas.

To Rules and Resolutions.

HR 1022 (By Peña), Honoring the Palmer Drug Abuse Program in McAllen for its contributions to the community.

To Rules and Resolutions.

SB 344 to Transportation.

SB 488 to Transportation.

SB 687 to Public Education.

SB 987 to Criminal Jurisprudence.

SB 1374 to Natural Resources.

SB 1611 to Elections.

SB 1618 to Insurance.

List No. 2

HCR 1 (By Eiland), Memorializing the California governor, legislature, and health agency to repeal emergency regulations that restrict the sale in California of raw oysters from Texas and four other Gulf Coast states.

To Public Health.

HCR 2 (By Deshotel), Recognizing the 10th anniversary of Southeast Texas Community Development Corporation, Inc.

To Rules and Resolutions.

HCR 3 (By Homer), In memory of Sergeant Robert Lee Trapp of the Lamar County Sheriff's Department.

To Rules and Resolutions.

HCR 8 (By Homer), In memory of Leighton Marion Cornett of Paris, Texas.

To Rules and Resolutions.

HR 6 (By Deshotel), Congratulating Jerry LeVias on his athletic accomplishments.

To Rules and Resolutions.

HR 7 (By Mercer), Honoring the memory of Norma Paschal for her many years of service to the children of the Schertz-Cibolo-Universal City Independent School District.

To Rules and Resolutions.

HR 8 (By Mercer), Honoring Fisher House, Inc., for its work in behalf of military families.

To Rules and Resolutions.

HR 10 (By Kolkhorst), In memory of the Honorable John James Pasket of Walker County.

To Rules and Resolutions.

SB 309 to Public Health.

SB 467 to Insurance.

SB 502 to Ways and Means.

SB 689 to Urban Affairs.

SB 1601 to Civil Practices.

SB 1771 to Economic Development.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 23

SB 43, SB 164, SB 200, SB 339, SB 490, SB 513, SB 724, SB 752

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Monday, May 5, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1365

Bonnen

SPONSOR: Harris

Relating to the Texas emissions reduction plan.

(Committee Substitute/Amended)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Monday, May 5, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 660

Allen

SPONSOR: Deuell

Relating to access to criminal history record information by certain licensing and regulatory agencies.

(Committee Substitute)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Monday, May 5, 2003 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 344 Ogden

Relating to the required reporting to the Texas Department of Transportation of information regarding railroad crossings; imposing a penalty.

SB 488 Ogden

Relating to vehicle weight.

SB 687 West

Relating to the authority of school districts to purchase electricity through a political subdivision corporation.

SB 987 Armbrister

Relating to the expunction of certain arrest records and files.

SB 1374 Armbrister

Relating to public waters and provision for environmental flows by the Texas Commission on Environmental Quality.

SB 1611 Ellis, Rodney

Relating to the determination and clarification of certain dates, deadlines, and procedures under the Election Code.

SB 1618 Ellis, Rodney

Relating to regulation of certain life insurance.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Monday, May 5, 2003 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 309 Gallegos

Relating to providing health care services without regard to a person's immigration status.

SB 467 Averitt

Relating to the operation of the Texas Health Insurance Risk Pool.

SB 502 Armbrister

Relating to criminal and civil fees remitted to the comptroller of public accounts.

SB 689 West

Relating to the awarding of contracts by municipalities.

SB 1601 Ellis, Rodney

Relating to unclaimed funds in class actions.

SB 1771 Brimer

Relating to economic development programs and funding.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 2

Business and Industry - **HB 1230, HB 2323, HB 2578**

County Affairs - **HB 3573, HB 3578, HB 3583, SB 540, SB 733, SB 735, SB 821, SB 1564**

Criminal Jurisprudence - **HB 1428, HB 1657**

Economic Development - **HB 1233, HB 1245, HB 2919, HB 3308, HB 3323, SB 275, SB 281, SB 1183**

Elections - **HB 2756**

Higher Education - **HB 415, HB 796, HB 1746, HB 2752, HB 2802, HB 2915, HB 3209, SB 437, SCR 12**

House Administration - **HR 570, HR 571, HR 680, SB 1567**

Human Services - **SB 153**

Insurance - **HB 124, HB 302, HB 508, HB 1525, HB 1662, HB 1939, HCR 90**

Judicial Affairs - **HB 404, SB 273, SB 532, SB 828, SB 922**

Licensing and Administrative Procedures - **SB 277, SB 855, SB 935, SB 1013, SB 1090, SB 1380**

Local Government Ways and Means - **HB 2255, HB 3546, HB 3607, SB 340**

Natural Resources - **SB 1094**

Pensions and Investments - **SB 297, SB 1588**

Public Education - **HB 511, HB 774, HB 817, HB 1504, HB 2103, HB 2449, HB 2707, SB 83**

Public Health - **HB 770, HB 1266, HB 3264, SB 185, SB 486, SB 1024, SB 1145, SB 1182, SB 1317, SB 1400, SB 1409, SB 1549, SB 1549, SB 1553, SB 1764**

Regulated Industries - **SB 1271**

State Affairs - **SB 996, SB 1087, SB 1533**

State Cultural and Recreational Resources - **HB 2207**

Transportation - **HB 923, HB 926, HB 1340, HB 2312, HB 2766, HB 3588, SB 404**

Urban Affairs - **HB 2456, HB 2608, HB 3585, SB 656, SB 1726**

Ways and Means - **HB 2424**

ENGROSSED

May 2 - HB 236, HB 529, HB 645, HB 1186, HB 1194, HB 1197, HB 1246, HB 1267, HB 1326, HB 1344, HB 1476, HB 1512, HB 1575, HB 1796, HB 1920, HB 1931, HB 2083, HB 2192, HB 2298, HB 2567, HB 2668, HB 2964, HB 3034, HB 3061, HB 3194, HJR 16, HJR 44

May 4 - HB 179, HB 453, HB 499, HB 534, HB 571, HB 659, HB 757, HB 771, HB 776, HB 818, HB 826, HB 919, HB 1027, HB 1097, HB 1109, HB 1163, HB 1166, HB 1203, HB 1232, HB 1241, HB 1296, HB 1315, HB 1439, HB 1493, HB 1496, HB 1527, HB 1534, HB 1570, HB 1576, HB 1577, HB 1602, HB 1615, HB 1663, HB 1675, HB 1697, HB 1701, HB 1769, HB 1771, HB 1791, HB 1813, HB 1824, HB 1886, HB 1952, HB 1991, HB 1998, HB 2032, HB 2056, HB 2074, HB 2081, HB 2112, HB 2128, HB 2131, HB 2172, HB 2200, HB 2250, HB 2278, HB 2297, HB 2334, HB 2379, HB 2385, HB 2400, HB 2455, HB 2457, HB 2481, HB 2485, HB 2543, HB 2585, HB 2622, HB 2636, HB 2660, HB 2661, HB 2663, HB 2866, HB 2875, HB 2881, HB 2886, HB 2889, HB 2895, HB 2902, HB 2911, HB 2940, HB 2989, HB 3014, HB 3024, HB 3039, HB 3041, HB 3042, HB 3043, HB 3044, HB 3045, HB 3074, HB 3087, HB 3113, HB 3114, HB 3179, HB 3213, HB 3229, HB 3232, HB 3235, HB 3242, HB 3270, HB 3282, HB 3303, HB 3324, HB 3330, HB 3374, HB 3376, HB 3377, HB 3414, HB 3416, HB 3420, HB 3425, HB 3556,

HB 3568, HB 3595, HCR 186

ENROLLED

**May 2 - HB 233, HB 988, HB 1049, HB 1677, HB 1819, HB 1820,
HB 2091**

SENT TO THE GOVERNOR

May 2 - HB 43

SIGNED BY THE GOVERNOR

May 2 - HCR 85, HCR 210